

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

DEFENDANT VENTANA MEDICAL SYSTEMS, INC.'S MOTION TO IMPOUND

Pursuant to Local Rule 7.2 and this Court's order of December 1, 2005, defendant Ventana Medical Systems, Inc. hereby moves the Court for an order impounding:

(1) Memorandum of Defendant Ventana Medical Systems, Inc. in Support of Its Motion to Dismiss for Lack of Jurisdiction, and (2) Declaration of Roger J. Chin in Support of Ventana's Motion to Dismiss for Lack of Jurisdiction.

As grounds for this motion, Ventana states that the memorandum and declaration include information designated as "Confidential Information" by plaintiff under the terms of the Stipulated Protective Order. The designated materials concern certain corporate transactions entered into by the plaintiff. Pursuant to this Court's order of December 1, 2005, Ventana has lodged the memorandum and declaration with the Court under seal, with the "Confidential Information" highlighted.

The impoundment sought herein should continue until sixty days after entry of final judgment in this case. Thereafter, the materials shall be returned to counsel for Ventana, who

shall return or destroy the confidential materials in accordance with the terms of the Stipulated Protective Order filed in this case.

Dated: February 13, 2007

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,

/s/ Roger J. Chin

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LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. Plaintiff has assented to this motion to impound.

/s/ Roger J. Chin

Roger J. Chin

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 13, 2007.

/s/ Roger J. Chin

Roger J. Chin